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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

9 NICLAS FOSTER, as Personal Representative
10 of the Estate of MEIKE FOSTER,

11 Plaintiff,

12 v.

13 AMERICAN HONDA MOTOR COMPANY,
14 INC., a foreign corporation; HONDA MOTOR
COMPANY, LTD., a foreign corporation;
15 HONDA NORTH AMERICA, INC., a foreign
corporation; HONDA OF CANADA
16 MANUFACTURING d/b/a HONDA OF
CANADA, INC., a foreign corporation;
17 HONDA R&D AMERICAS, INC., a foreign
corporation,

18 Defendants.
19

No. 17-cv-01727-RSM

STIPULATED MOTION AND ORDER
REGARDING ADMISSIBILITY OF
EVIDENCE AT TRIAL

20 **I. STIPULATION**

21 IT IS HEREBY STIPULATED AND AGREED, by Plaintiff and Defendants, that the
22 following are EXCLUDED in evidence, statements, arguments, testimony, documents,
23 references or inferences during any phase of the trial in this matter, including jury selection,
24 opening statements, closing arguments, witness testimony, or at any other time:
25

26 A. Statements made during settlement negotiations;

- 1 B. References to discovery disputes;
- 2 C. References to relative financial status of the parties;
- 3 D. Evidence or argument about alleged loss of consortium experienced by Ms.
- 4 Foster's grandchildren;
- 5 E. Statements identical or similar to the following:
- 6 1. Product liability law is unfair to manufacturers;
- 7 2. Damage awards could put manufacturer out of business or cause jobs to be
- 8 lost;
- 9 3. Damage awards may increase cost of vehicles; and
- 10 4. Anyone can file lawsuit against manufacturer that has no merit if they just
- 11 pay court costs
- 12
- 13 F. Opinion testimony from police officers, firemen, EMTs and healthcare providers
- 14 on whether Honda was negligent or whether vehicle was defective;
- 15
- 16 G. Opinion testimony from police officers, firemen, EMTs and healthcare providers
- 17 on other accidents or injuries with dissimilar vehicles or circumstances;
- 18
- 19 H. Any suggestion by Defendants' lawyers, witnesses, experts or otherwise, that they
- 20 are so confident in the alleged safety of the Honda that they drove their vehicles, or their
- 21 relatives or employees or anyone associated with the court or case have driven their vehicles.
- 22 This does not apply to questions that may be asked of potential jurors during jury selection.
- 23 I. Defendants cannot introduce evidence re: Meike Foster being under the influence
- 24 of drugs, or intoxicated or over the legal limit to drive;
- 25
- 26 J. Irrelevant, prejudicial evidence and arguments, such as:
1. Honda's "good acts";

1 2. Honda is a “family company”

2 The parties respectfully request the Court sign the Proposed Order below endorsing this
3 stipulation.

4 DATED this 3rd day of February, 2020.

5 SCHROETER GOLDMARK & BENDER

6 KELLER ROHRBACK L.L.P.

7
8 By s/ Thomas J. Breen

9 Thomas J. Breen, WSBA #34574
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Attorneys for Defendants

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II. ORDER

THIS MATTER having come before the undersigned judge pursuant to the foregoing stipulation, and the Court being fully advised, it is hereby ORDERED as follows:

1. The following are EXCLUDED in evidence, statements, arguments, testimony, documents, references or inferences during any phase of the trial, including jury selection, opening statements, closing arguments, witness testimony, or at any other time:

A. Statements made during settlement negotiations;

B. References to discovery disputes;

C. References to financial status of the parties;

D. Evidence or argument about alleged loss of consortium experienced by Ms. Foster's grandchildren;

E. Any statement identical or similar to the following:

1. Product liability law is unfair to manufacturers;

2. Damage awards could put manufacturer out of business or cause jobs to be lost;

3. Damage awards may increase cost of vehicles; and

4. Anyone can file lawsuit against manufacturer that has no merit if they just pay court costs

F. Opinion testimony from police officers, firemen, EMTs and healthcare providers on whether Honda was negligent or whether vehicle was defective;

G. Opinion testimony from police officers, firemen, EMTs and healthcare providers on other accidents or injuries with dissimilar vehicles or circumstances;

1 H. Any suggestion by Defendants' lawyers, witnesses, experts or otherwise, that they
2 are so confident in the alleged safety of the Honda that they drove their vehicles, or their
3 relatives or employees or anyone associated with the court or case have driven their vehicles.
4 This does not apply to questions that may be asked of potential jurors during jury selection.
5

6 I. Defendants cannot introduce evidence re: Meike Foster being under the influence
7 of drugs, or intoxicated or over the legal limit to drive;

8 J. Irrelevant, prejudicial evidence and arguments, such as:

- 9 1. Honda's "good acts";
10 2. Honda is a "family company"
11

12 DATED this 6th day of February 2020.
13

14 

15 RICARDO S. MARTINEZ
16 CHIEF UNITED STATES DISTRICT JUDGE
17

18 Presented by:

19 KELLER ROHRBACK L.L.P.
20

21 By s/ David J. Russell

22 David J. Russell, WSBA #17289

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